

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA
Minute Entry

Hearing Information:

Debtor: SWIFT AIR, LLC
Case Number: 2:12-BK-14362-DPC **Chapter:** 11
Date / Time / Room: THURSDAY, JULY 28, 2022 01:30 PM 6TH FLOOR #603
Bankruptcy Judge: DANIEL P. COLLINS
Courtroom Clerk: RENEE BRYANT
Reporter / ECR: N/A

Matters:

- 1) LITIGATION TRUSTEE'S SECOND STATUS REPORT FILED BY ROBERT J. MILLER OF BUCHALTER, A PROFESSIONAL CORPORATION ON BEHALF OF MORRISANDERSON & ASSOCIATES, LTD., LITIGATION TRUSTEE .
R / M #: 1,034 / 0
- 2) APPLICATION FOR FEE ENHANCEMENT, AND BAR DATE TO OBJECT
R / M #: 0 / 0

Appearances:

KHALED TARAZI, ATTORNEY FOR MORRIS ANDERSON & ASSOCIATES LTD.
DANIEL F. DOOLEY MORRIS ANDERSON & ASSOCIATES LTD
MICHAEL ROSS, ATTORNEY FOR GALLAGHER & KENNEDY
RYAN ANDERSON, ATTORNEY FOR RECEIVER, DAVID REAVES
DALE SCHIAN, ATTORNEY FOR GALLAGHER & KENNEDY
KEITH HENDRICKS, ATTORNEY FOR CODY JESS AND SCOTT GOLDBERG

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Proceedings:

MATTER #1

Mr. Tarazi gives his status report, noting the Trustee has been paid in full under the settlement agreement with Jerry Moyes. He explains why Court approval is not needed for distributions. He advises that he is working with the Receiver regarding the contingency fee amount. Mr. Tarazi addresses the issues listed in Mr. Schians's response. Mr. Tarazi responds to the Court's questions.

Mr. Anderson agrees that the Receiver is the appropriate party to address the issues.

Mr. Hendricks does not object to Mr. Tarazi's position.

Mr. Tarazi continues to address the issues in Mr. Schian's response. He provides the amount that the trustee currently has on hand.

The Court screen shares the Swift Air Liquidating Trust Creditor Distribution Waterfall and asks Mr. Tarazi its questions.

Mr. Tarazi responds to the Court's questions.

COURT: THE COURT WILL LEAVE IT TO THE PARTIES TO RESOLVE THE REMAINING ISSUES. IF THEY ARE UNABLE TO REACH AN AGREEMENT, THEY MAY CONTACT THE COURT FOR A HEARING DATE.

MATTER #2

Mr. Tarazi presents the application for fee enhancement.

The Court asks Mr. Tarazi its questions, and Mr. Tarazi responds.

The Court has determined it will need to hear evidence.

DANIEL F. DOOLEY is sworn in by the Courtroom Deputy.

Mr. Dooley briefly summarizes his work in this case and the time it has taken. He explains his pricing and states the case should have been priced as a contingency case. Mr. Dooley says he took financial risks for the case and should be compensated for his success. He responds to the Court's questions.

Mr. Tarazi briefly examines Mr. Dooley.

THE COURT PLACED ITS DECISION ON THE RECORD. THE DECISION ON THE RECORD CONSTITUTES FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO FED. R. CIV.P. 52 AS ADOPTED BY RULE 7052 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURES. THE DECISION

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CAN BE HEARD BY ACCESSING THE AUDIO FILE FROM THE CASE DOCKET. ANYONE WISHING A TRANSCRIPT OF THE DECISION MAY OBTAIN ONE BY CONTACTING THE ELECTRONIC COURT RECORDER.

COURT: FOR THE REASONS STATED ON THIS RECORD, IT ORDERED GRANTING THE TRUSTEE'S MOTION FOR FEE ENHANCEMENT IN PART. MR. TARAZI IS INSTRUCTED TO UPLOAD A FORM OF ORDER CONSISTENT WITH THE COURT'S RULING.